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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,806

09/08/2003

Hisakazu Okajima

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1123

25191 7590 01/08/2007
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EXAMINER

PAIK, SANG YEOP

ART UNIT

PAPER NUMBER

3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,806

Applicant(s)

OKAJIMA, HISAKAZU

Examiner

Sang Y. Paik

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-9 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 11-14 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Fure et al (US 6,753,507).

Fure shows a ceramic heater with a hole formed therein, a resistance heater element having a continuous wiring patten including a plurality of flextures connecting a plurality of radially sequentially concentric arc portions, a plurality of curved avoidance portions having a radius of curvature that sequentially increases as the respective distance between the curved portion and the hole (64) increases (see Figure 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fure et al (US 6,753,507) in view of Mizuno et al (US 5,766,363).

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Fure shows the heater structure claimed including a ceramic plate made of aluminum nitride ceramics, a heater element having a continuous wiring pattern having a plurality of concentrically disposed elements further having a plurality of flexures with a plurality of folding parts. However, Fure does not show the folding parts with rounded corners with the greater first distance.

Mizuno shows a heating pattern including a plurality of flexures with a folding part with a linear connection part and the rounded corners at the inner bending portion to protrude outwardly where the distance between the radially adjacent wirings between the folding parts gradually becomes wider in the second region than in the first region where the distance between the wiring patterns remains substantially constant.

In view of Mizuno, it would have been obvious to one of ordinary skill in the art to adapt Fure with the claimed second distance between the radially adjacent wirings in the second region to further provide the efficiency of the heater as well as to improve the uniform heating distribution along the heating surface.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fure et al (US 6,753,507) in view of Yoshida et al (US 6,080,970).

Fure shows the heater structure claimed except the heater element being embedded in the ceramic plate.

Yoshida shows a ceramic heater with a heating element embedded therein. In view of Yoshida, it would have been obvious to one of ordinary skill in the art to adapt Fure with the heating element embedded in the ceramic plate as an alternative arrangement that can also

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provide a good uniform heat distribution as well as to further protect the heating element from corrosion.

Allowable Subject Matter

6. Claims 1, 2, 4-9 and 15-20 are allowed.

Response to Arguments

7. Applicant's arguments filed 11/7/06 have been fully considered but they are not persuasive.

With respect to Fure, the applicant argues an overly broad interpretation is made to meet the recited elements, and in particular the inner and outer edges of the same arc portion of Fure cannot be considered to be the claimed plurality of radially sequential curved arc portions with no flextures. This argument is not deemed persuasive since the recited arc portions are clearly shown by the sequentially laid out wiring pattern along with the curved avoidance portions. The claim structure as recited is not distinguishable over Fure. Likewise, the plurality of the flextures is met by the connecting portions of the arc portions of the wiring pattern. Since the structure of Fure meets the claimed elements with no distinguishable claim structure, no overly broad interpretation is made.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sang Y Paik
Primary Examiner
Art Unit 3742

syp